

ATTORNEY DOCKET NUMBER  
064731.0394

PATENT  
10/734,629

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric S. Koopferstock  
Serial No.: 10/734,629  
Filing Date: December 12, 2003  
Group Art Unit: 2613  
Confirmation No.: 2016  
Examiner: Nathan M. Curs  
Title: METHOD AND SYSTEM FOR COMMUNICATING  
OPTICAL TRAFFIC AT A NODE

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

VIA ELECTRONICALLY FILED  
WITH THE USPTO ON  
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Dear Sir:

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

I, the undersigned, hereby declare and state that:

1. I am over the age of 21 years, of sound mind, and competent in all respects to make this Declaration.
2. I am the sole inventor of the above-referenced Application, entitled "Method and System for Communicating Optical Traffic at a Node," filed on December 12, 2003 (the "Application").

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3. The Examiner rejected Claims 1-5, 7, 9-13, 15 and 17-19 (the "Claims") of the Application in an Office Action mailed April 6, 2007, in whole or in part, based on United States Patent Application Publication No. 2003/0223682 of Kinoshita et al., having a publication date of December 4, 2003 ("the Reference").

4. Prior to December 4, 2003 I developed an understanding and appreciation of the subject matter of at least the Claims and was working to reduce the subject matter to practice through a patent application. As an example, on or around October 3, 2003, I presented the subject matter of at least the Claims to a patent review committee. On October 29, 2003, I met with a patent attorney, Mr Chad Walters, to discuss this subject matter. On December 5, 2003, Mr. Walters forwarded to me a draft of the Application as evidenced by the e-mail attached hereto as Exhibit A. Between December 5, 2003 and December 12, 2003, I reviewed the draft of the Application. I provided comments to the draft of the Application on or about December 12, 2003. On or about December 12, 2003, Mr. Walters forwarded to me the Application with a Declaration and Power of Attorney and an Assignment for execution by me each inventor as evidenced by the e-mail attached hereto as Exhibit B. I executed these formal papers for the finalized version of the Application, and the Application was filed on December 12, 2003.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further, I declare that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.



Eric S. Koopferstock  
Date: June 7, 2007

**From:** Walters, Chad  
**Sent:** Friday, December 05, 2003 11:10 AM  
**To:** 'eric.koopferstock@fnc.fujitsu.com'  
**Subject:** Patent Application (P-318US-1)

Eric,

Attached for your review and comment please find a draft of the patent application for the above-referenced invention as well as the related figures. Our draftsman is currently preparing formal versions of the figures.

Please keep in mind during review of the application that the written description must be sufficiently detailed to enable one of ordinary skill in the art to make and use the invention. Furthermore, the application must describe the "best mode" contemplated by you and the other inventors for carrying out the invention. Accordingly, please ensure that the application discloses the best mode contemplated for carrying out the invention, and that the written description is sufficiently enabling.

Please let me know if you have any questions.

Regards,

**Chad C. Walters**

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Patent 0394.pdf (72 KB)  
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**Exhibit A**

**From:** Walters, Chad  
**Sent:** Friday, December 12, 2003 2:49 PM  
**To:** 'eric.kooperstock@fnc.fujitsu.com'  
**Subject:** Patent Application (P-318US-1)

Eric,

Attached please find a cover letter, application with figures, declaration and power of attorney and assignment. Once you have had a chance to review the application and execute the declaration and power of attorney and assignment, you may fax the signature pages to me at 214.661.4511.

Please give me a call if you have any questions.

Regards,

**Chad C. Walters**

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## Exhibit B